

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
and  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
In re JOINT EASTERN AND SOUTHERN :  
DISTRICTS ASBESTOS LITIGATION :

NYAL  
Index No. 4000

\_\_\_\_\_  
BERNADINE K. FINDLEY, as :  
Executrix of the Estate of :  
HILLIARD FINDLEY, et al. :

Plaintiffs,

C.A. No. 90-3973 (E.D.N.Y.)  
C.A. No. 90-7158 (S.D.N.Y.)

- against -

ROBERT FALISE, et al. :

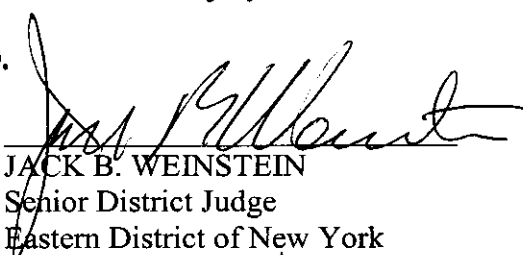
Defendants. :  
\_\_\_\_\_X

ORDER

Upon consideration of the Manville Distributor Subclass Application for Payment of Attorneys' Fees (the "Application"), the supporting affidavit, the October 12, 2007 letter from David T. Austern, and the record of this case, it is, by the Court, this \_\_\_\_ day of \_\_\_\_\_, 2007,

ORDERED that the Application shall be, and hereby is, GRANTED; and it is

FURTHER ORDERED that the Manville Personal Injury Settlement Trust shall remit to Pepper Hamilton LLP the sum of \$1,083.50.

  
JACK B. WEINSTEIN  
Senior District Judge  
Eastern District of New York

10/30/07



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
and  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
In re JOINT EASTERN AND SOUTHERN :  
DISTRICTS ASBESTOS LITIGATION :

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BERNADINE K. FINDLEY, as  
Executrix of the Estate of  
HILLIARD FINDLEY, et al.

Plaintiffs,

- against -

ROBERT FALISE, et al.

Defendants.

x

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x

x

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: C.A. No. 90-3973 (E.D.N.Y)

: C.A. No. 90-7158 (S.D.N.Y)

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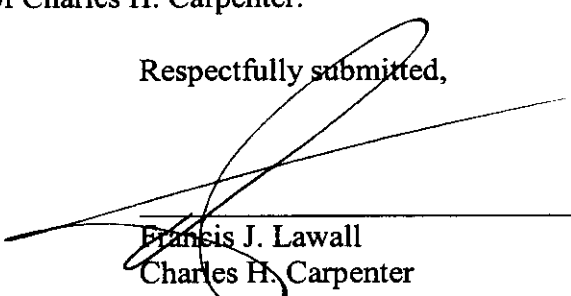
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MANVILLE DISTRIBUTOR SUBCLASS  
APPLICATION FOR PAYMENT OF ATTORNEYS' FEES

Comes now the Manville Distributor Subclass, by and through undersigned counsel, and applies to the Court for payment of attorneys fees incurred in connection with the captioned matter, by its counsel Pepper Hamilton LLP through September 30, 2007, and in support thereof submits herewith an October 12, 2007 letter from David T. Austern of the Manville Trust and the Affidavit of Charles H. Carpenter.

Respectfully submitted,

  
\_\_\_\_\_  
Francis J. Lawall  
Charles H. Carpenter  
PEPPER HAMILTON LLP  
3000 Two Logan Square  
Eighteenth & Arch Streets

Philadelphia, PA 19103-2799  
(215) 981-4000

Attorneys for Manville  
Distributor Subclass

Date: October 23, 2007

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
and  
SOUTHERN DISTRICT OF NEW YORK

_____		x
In re JOINT EASTERN AND SOUTHERN	:	NYAL
DISTRICTS ASBESTOS LITIGATION	:	Index No. 4000
	:	
_____		x
_____		x
BERNADINE K. FINDLEY, as	:	
Executrix of the Estate of	:	
HILLIARD FINDLEY, <u>et al.</u>	:	
	:	C.A. No. 90-3973 (E.D.N.Y)
Plaintiffs,	:	C.A. No. 90-7158 (S.D.N.Y)
	:	
- against -	:	
	:	
ROBERT FALISE, <u>et al.</u>	:	
	:	
Defendants.	:	
_____		x

AFFIDAVIT

CITY OF WASHINGTON            )  
  )     SS  
DISTRICT OF COLUMBIA        )

Charles H. Carpenter, being duly sworn, states and deposes as follows:

1. I am an attorney with the firm of Pepper Hamilton LLP, formerly known as Pepper, Hamilton & Scheetz. On September 28, 1993, this firm was appointed to serve as co-counsel to the Subclass of Manville Asbestos Distributors (the "Manville Distributors").

2. I submit this Affidavit in support of the Manville Distributor Subclass Application for Payment of Attorneys' Fees (the "Application") made pursuant to the Order of the Honorable Jack B. Weinstein, entered in open court on July 8, 1994 (the "Order"). The Order provides that reasonable attorneys' fees for subclass counsel shall be paid by the Manville Personal Injury Settlement Trust.

3. Attached to this Affidavit as Exhibit "A" is a summary of time report (the "Time Report") detailing time spent and expenses incurred by Pepper Hamilton LLP in the representation of the Manville Distributors.

4. The Time Report has been redacted to eliminate the disclosure of attorney client privilege and other work product of this firm undertaken in connection with the representation of the Manville Distributors. Otherwise, the Time Report is a true and correct copy of the entries by the individual professionals as set forth on their timesheets.

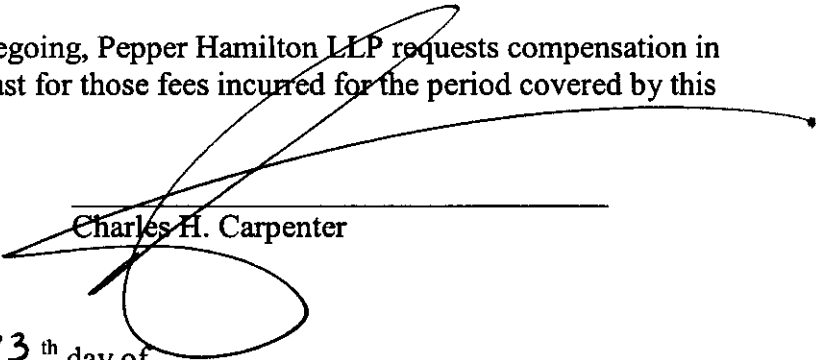
5. In the time period covered by the Application, Pepper Hamilton LLP continued its activities as subclass counsel.

6. The Time Report attached as Exhibit A shows that for the period through September 30, 2007, Pepper Hamilton lawyers and professional staff worked a total of 2.10 hours in this time period, which at our standard billing rates, translates to \$1,083.50 in fees. In addition, the Time Report shows no expenses are due, so the sum total is \$1,083.50.

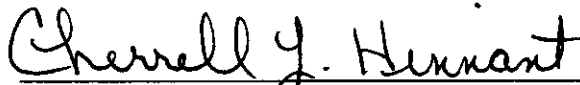
7. A biographical summary of the Pepper Hamilton LLP partners who have primarily worked on this engagement has been previously submitted.

8. Based on the foregoing, Pepper Hamilton LLP requests compensation in accordance with the Order from the Trust for those fees incurred for the period covered by this Affidavit.

Dated: October 23, 2007

  
\_\_\_\_\_  
Charles H. Carpenter

Subscribed and sworn before me this 23<sup>th</sup> day of  
October, 2007

  
\_\_\_\_\_  
Notary Public

My commission expires:

**Cherrell Y. Hinnant**  
**Notary Public, District of Columbia**  
**My Commission Expires 5/14/2011**

## Exhibit A

# Pepper Hamilton LLP

Attorneys at Law

3000 Two Logan Square  
Eighteenth and Arch Streets  
Philadelphia, PA 19103-2799  
215.981.4000

Invoice Number: 10443282  
Client/Matter Number: 107197.00002  
October 11, 2007

Subclass of Johns-Manville Asbestos  
Manville Personal Injury Settlement  
Suite 600 - Willow Oaks Corp. Drive  
Fairfax, Virginia 22031

Requesting Attorney: Francis J. Lawall

Federal Identification No. 23-1433012

FOR PROFESSIONAL SERVICES RENDERED through September 30, 2007 as follows

**RE: Joint Eastern & Southern District Asbes.**

	Name	Services	Time
5/2/07	F. Lawall	Review latest financial filings from court.	0.30
6/4/07	F. Lawall	E-mail re arbitration issue.	0.20
6/12/07	F. Lawall	Review correspondence from trust.	0.20
7/27/07	C. Carpenter	Review new proposals on direct action.	0.40
7/27/07	F. Lawall	E-mail re Direct Fund.	0.20
7/31/07	F. Lawall	Review materials re limited fund distribution.	0.40
8/3/07	F. Lawall	Review financial statements.	0.20
9/25/07	F. Lawall	Review financials from court.	0.20

TOTAL CHARGEABLE HOURS ..... 2.10

TOTAL FEES ..... \$1,083.50

TOTAL AMOUNT DUE ..... \$1,083.50

Subclass of Johns-Manville Asbestos  
Client/Matter Number: 107197.00002  
October 11, 2007

Invoice: 10443282  
Page 2

The following is a summary of the time dedicated and the fees charged to this matter by the Firm's professional staff:

		HOURS	RATE	FEE
C. Carpenter	Partner	0.40	435.00	174.00
F. Lawall	Partner	1.70	535.00	909.50
Total		<u>2.10</u>		<u>\$1,083.50</u>



# MANVILLE PERSONAL INJURY SETTLEMENT TRUST

David T. Austern  
General Counsel

October 12, 2007

Hon. Jack B. Weinstein  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

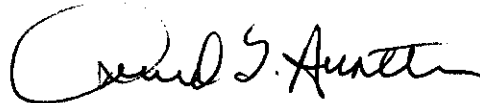
**Re: Findley v. Falise, 90 CV 3973 (JBW)**

Dear Judge Weinstein:

This letter concerns the statement for fees in the amount of \$1,083.50 which is being submitted by Pepper Hamilton LLP, counsel for the Manville Distributor Subclass, incurred through September 30, 2007.

I have reviewed the statement for fees and expenses. Based on my position with the Manville Personal Injury Settlement Trust ("the Trust"), I am familiar with the work performed as reflected in the statement. Please be informed that the Trust has no objection to the award of \$1,083.50 to Pepper Hamilton LLP for fees and expenses as described in the statement.

Very truly yours,



David T. Austern  
General Counsel

cc: Francis J. Lawall, Esq.  
Charles H. Carpenter, Esq.  
Leslie Gordon Fagen, Esq.  
Elihu Inselbuch, Esq.

*Approved. Please  
Pay. So ordered  
John H. Weinstein  
10/30/07*

3110 Fairview Park Drive  
Suite 200  
P.O. Box 12003  
Falls Church, Virginia 22042-0683  
Phone: 703-204-9300  
Fax: 703-205-6249